



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Diane Dillon
Chair

August 10, 2010

The Honorable Stephen T. Kroyer
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

AUG 17 2010

Clerk of the Napa Superior Court
By: C. Brennan
Deputy

Dear Judge Kroyer:

As required by Penal Code Section 933(c), enclosed is the response to the 2009-2010 Final Reports on the Napa County Criminal Justice Facilities Juvenile Justice Center/Juvenile Hall, Napa County Criminal Justice Facilities Department of Corrections/County Jail, Napa Special Investigations Bureau 24 Hour Drug Hotline: (707) 224-DRUG and Water Our Precious, Critical Resource.

Grand Jury activity takes place over the course of a number of months. As such, their findings and recommendations often address issues which county departments have already identified as problems and to which solutions are in the process of being developed.

The Board acknowledges the members of the 2009-2010 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Diane Dillon in cursive.

Diane Dillon, Chair
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2010-2011 Grand Jury

Received
Napa Superior Court

AUG 17 2010

Court Executive Office

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Keith Caldwell
District 5

**NAPA COUNTY
RESPONSE TO THE GRAND JURY REPORT
FISCAL YEAR 2009-10**

**NAPA SPECIAL INVESTIGATIONS BUREAU
24-Hour Drug Hotline: (707) 224-DRUG**

Finding 20: State and County budget cuts have reduced the number of NSIB agents compared to past years.

Response, Napa County Board of Supervisors: The Board of Supervisors disagrees in part with this finding. NSIB is a multi-jurisdictional agency and all agencies in Napa County, the Bureau of Narcotic Enforcement and California Highway Patrol have contributed officers or funds to the task force in the past. Napa County serves as the fiscal agent of the task force and through the Sheriff's Department provides one Sergeant and two Deputies to NSIB on a full time basis. Over the last few years, other law enforcement agencies, not the County/Sheriff's Office, have reduced the number of officers allocated to the task force on a full time basis. Napa County received grant funding from the California Methamphetamine Enforcement Team program that allowed for the allocation of additional officer overtime hours towards methamphetamine eradication throughout the County. Consistent with the Board of Supervisor's policy to not backfill reduced or depleted grant funds, the Sheriff's Office has eliminated the additional officer overtime once dedicated to methamphetamine enforcement due to a reduction in grant funds received.

Finding 22: NSIB has expressed the desire to have the County arm the PO attached to NSIB.

Response, Chief Probation Officer: The Chief Probation Officer disagrees with this finding. NSIB is governed by an independent Board that is comprised of the Sheriff, the District Attorney, Chiefs of the local police agencies and the Chief Probation Officer. While the Commander assigned to NSIB by the Bureau of Narcotic Enforcement (not a governing board member) has discussed arming the Probation Officer assigned to NSIB with the Chief Probation Officer, the NSIB Governing Board has never taken formal action or even discussed the arming of the Probation Officer. Furthermore, upon inquiry by the Chief Probation Officer, the Sheriff and the City of Napa Chief of Police stated that they believe the issue of arming the Probation Officer should be handled by the Chief Probation Officer. Sheriff Koford and Chief Melton informed the Chief Probation Officer that they do not endorse or recommend the arming of the Probation Officer assigned to the NSIB and will continue to support the position in a limited and low-risk capacity. Please see the response to Recommendation No. 2.

Recommendation No. 1: NSIB selection process emphasize bilingual competency.

Response, Napa County Board of Supervisors: The recommendation will not be implemented because it is unwarranted. The Grand Jury report does not provide a clear reason or identify a

need or gap to support the recommendation to emphasize bilingual competency. While the current Sergeant assigned to NSIB by the Sheriff is bilingual, the Chief Probation Officer has consistently assigned non-bilingual Probation Officers to the NSIB caseload because the need for a bilingual Probation Officer has not been evident. To the extent that bilingual staff is assigned to the NSIB Task Force, it is up to each member agency not the Board of Supervisors to determine whether the assigned personnel should be bilingual.

Recommendation No. 2: The Napa County Probation Department Safety Committee, the County Executive Office (CEO), and the BOS, explore the option to arm the PO attached to NSIB, as well as other PO's dealing with high risk probationers and parolees.

Response, Chief Probation Officer: This recommendation will not be implemented because it is unwarranted. While a Probation Officer is considered a peace officer while on duty, their primary job functions and training are very different than those of police officers. Probation Officers serve as an arm of the Superior Court and are responsible for ensuring that the terms and conditions of Probation Orders are being met by the offender and enforced when necessary. Probation Officers develop relationships with their clientele and assist offenders by referring or placing offenders in treatment programs, treating criminogenic needs and motivating offenders to change and improve life conditions. While the job does include administering probation searches, at least one police officer is always present during these searches to address any immediate safety needs and stabilize the situation. This system has worked well in Napa County.

In regards to NSIB, as the Grand Jury noted, the Probation Officer is assigned part-time and per an agreement, cannot be left alone and does not participate in NSIB activities determined to be hazardous. The role of the Probation Officer is to, after the scene has been stabilized, work with the NSIB law enforcement officers to interpret and explain Probation Orders in order to properly take necessary criminal action. The NSIB law enforcement officers often use the Probation Officer as leverage when dealing with offenders since the Probation Officer is often times more familiar with the history of the offender.

As referenced by the Grand Jury, the Probation Department Safety Committee has discussed the arming of various Probation Officers and has not made a recommendation to arm any officers. All Probation Officers carry pepper spray once all necessary training is complete and to date, not one Probation Officer has needed to use the pepper spray when dealing with an offender.

Finally, as expressed in the response to Finding 22, the arming of the NSIB Probation Officer has not been recommended or discussed by the NSIB Governing Board. The Grand Jury report does not provide a clear public safety need to arm the Probation Officer other than the opinion of the NSIB supervisory staff and what other some counties do. Absent a more detailed explanation, the recommendation will not be implemented.

Response, County Executive Officer: The County Executive Officer concurs with the response of the Chief Probation Officer.

Response, Napa County Board of Supervisors: The Board of Supervisors concurs with the response of the Chief Probation Officer.

Recommendation No. 3: NSIB Governing Board, CEO and the Board of Supervisors identify and implement additional NSIB investigative funding.

Response, County Executive Officer: The recommendation will not be implemented by the County Executive Officer or the Board of Supervisors because it is not warranted. The Grand Jury does not provide a clear or compelling reason detailing the need for additional investigative services. While it may be difficult to quantify, it is not clear that there are investigations and activities not occurring due to a lack of staff or funding. Additionally, as shown in Appendix IV: Napa Special Investigations Bureau Arrests By Location in 2009, the majority of the arrests and searches occur within the cities (100 of 143 arrests and 99 of 140 searches). The one Sergeant and two Deputies currently provided by the Sheriff's Department to NSIB sufficiently meet the County's needs. As mentioned in the response to Finding No. 20, Napa County received grant funding from the California Methamphetamine Enforcement Team program that allowed for the allocation of additional officer overtime hours towards methamphetamine eradication throughout the County. Consistent with the Board of Supervisor's policy to not backfill reduced or depleted grant funds, the Sheriff's Office has eliminated the additional officer overtime once dedicated to methamphetamine enforcement due to a reduction in grant funds received. It is typically the Department, not the County Executive Officer and the Board of Supervisors that routinely identify additional funding sources. Should the NSIB Governing Board identify additional investigative funding, the County Executive Officer and the Board of Supervisors would be open to discussing the implementation of such funding.

Response, Napa County Board of Supervisors: The Board of Supervisors concurs with the response of the County Executive Officer.

Recommendation No. 4: NSIB Governing Board, CEO, and the BOS bring NSIB staffing back to that in the FY 2000 level.

Response, County Executive Officer: The recommendation will not be implemented by the County Executive Officer or the Board of Supervisors because it is not warranted or reasonable. As mentioned in the response to Finding No. 20, the County has not reduced the Sheriff's staff or funding dedicated to NSIB on a full time basis. It is other non-County member agencies that have reduced the number of staff dedicated to NSIB since 2000. Napa County received grant funding from the California Methamphetamine Enforcement Team program that allowed for the allocation of additional officer overtime hours towards methamphetamine eradication throughout the County. Consistent with the Board of Supervisor's policy to not backfill reduced or depleted grant funds, the Sheriff's Office has eliminated the additional officer overtime once dedicated to methamphetamine enforcement due to a reduction in grant funds received Budget cuts have resulted in the reduction of staff dedicated to NSIB by other agencies. The County believes that the Sheriff's Department is providing a sufficient number of staff to the NSIB Task Force to meet the needs of the unincorporated areas.

Response, Board of Supervisors: The Board of Supervisors concurs with the response of the County Executive Officer.